

From: Barbara McBride [Barbara.McBride@calpine.com]
Sent: Wednesday, February 13, 2013 5:15 PM
To: Boyer, Bruce@Energy
Subject: Fwd: Russell City Vis-10 Request

California Energy Commission

DOCKETED
01-AFC-7C

TN # 69570

FEB. 19 2013

Dear Bruce,

Pursuant to our conversation and your request for an email confirming our understanding, Russell City Energy Company, LLC ("Project Owner") is requesting the following changes to its November 8, 2012 petition ("Petition") with the California Energy Commission requesting to modify provisions in the Russell City Energy Center Final Decision:

- 1) At this time, Project Owner withdraws its request to change condition of certification VIS-10, which would have resulted in the Project Owner conveying 26 acres of real property to East Bay Regional Park District.
- 2) In its place, Project Owner requests to modify VIS-10 to permit Project Owner to allow offsite landscaping to be completed within one year following commercial operation. To implement this modification, Project Owner suggests the changes to VIS-10 shown below.
- 3) Project Owner requests that these amendments be processed to enable them to make the agenda for the Commission's March 20th business meeting. In the event this is impossible, Project Owner requests that staff continue to process the requested changes to VIS-2 and VIS-9 as specified in the Petition to enable them to make the agenda for the March 20th meeting.
- 4) The requested changes to VIS-10 are shown in ~~strikeout~~ and underline:

VIS-10 Prior to the start of construction, the project owner shall prepare and implement an approved off-site landscaping plan. Consistent with Measure 3 of the Visual Mitigation Plan, the project owner shall install trees or other visual mitigation along the west side of the warehouse and industrial park complexes that line the eastern edge of the shoreline wetlands. The extent of the landscaping area, as shown in Visual Resources Figure 14 shall be expanded to include the berm from Breakwater Avenue north to Johnson Road. Trees or other visual mitigation shall be planted or placed close together to create a dense screen. Trees or other visual mitigation planted or placed along the edge of the Whitesell Business Park parking lot shall be pruned up as they grow to allow westward views from the parking lot to the shoreline open space. Trees or other visual mitigation planted or placed close to the walls of the warehouses shall be allowed to take on a bush-like form to maximize their screening potential.

All tree species shall be fast growing and evergreen and shall be 24" box size when planted. The project owner shall provide an appropriate level of irrigation and fertilization to ensure optimal tree or other visual mitigation growth, health, and appearance.

Protocol: Prior to start of construction, the project owner shall submit an offsite landscape plan to the City of Hayward and the U.S. Fish and Wildlife Service, if applicable, for review and comment, and to the CPM for review and approval. The submittal to the CPM shall include the City's comments. The plan shall include, but not be limited to:

- 1) A detailed landscape, grading, and irrigation plan, at a reasonable scale, which includes a list of proposed tree and shrub species and installation sizes, and a discussion of the suitability of the plants for the site conditions and mitigation objectives.
- 2) An installation schedule. The project owner shall not implement the landscape plan until the project owner receives approval of the plan from the CPM. The planting must be completed by the start of commercial operation, and the planting must occur during the optimal planting season.
- 3) Maintenance procedures, including any needed irrigation and a plan for routine annual or semi-annual debris removal for the life of the project; and
- 4) A procedure for monitoring for and replacement of unsuccessful plantings for the life of the project. The project owner shall not implement the plan until the project owner receives approval of the plan from the CPM.

Verification: At least 90 days prior to start of construction, the project owner shall submit the offsite landscape plan to the CPM for review and approval. If the CPM notifies the project owner that revisions of the submittal are needed before the CPM would approve the submittal, within 30 days of receiving that notification, the project owner shall prepare and submit to the CPM a revised submittal. Visual Mitigation must be completed within one year following commercial operation.

The project owner shall notify the CPM within seven days after completing installation of the landscape screening that the planting and irrigation system are ready for inspection. The project owner shall report landscape maintenance activities, including replacement of dead vegetation, for the previous year of operation in the Annual Compliance Report.

Thank you for your attention to this issue today, and please let us know if we can provide anything in addition to this email to help the staff process this modification for the March 20th Business Meeting.

CONFIDENTIALITY NOTICE: The information in this e-mail may be confidential and/or privileged and protected by work product immunity or other legal rules. No confidentiality or privilege is waived or lost by mistransmission. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of this e-mail and its attachments, if any, or the information contained herein is prohibited. If you have received this e-mail in error, please immediately notify the sender by return e-mail and delete this e-mail from your computer system. Thank you.